

Exhibit R

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**U.S. Department of Justice**

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

JAN 22 2018

The Honorable Ron Wyden
United States Senate
Washington, DC 20510

Dear Senator Wyden:

This responds to your letter to the Attorney General dated August 1, 2017, regarding the use of cell-site simulator technology, also known as "IMSI catchers" or "stingrays." We are sending identical responses to the other Senators who joined your letter. We apologize for our delay in responding.

Cell-site simulator devices (CSSs) provide valuable assistance in support of important public safety objectives. Whether deployed as part of a fugitive apprehension effort, a complex narcotics investigation, or to locate and rescue a kidnapped child, CSSs fulfill critical law enforcement operational needs. As with any law enforcement capability, the Department of Justice (Department) and its components must use CSSs in a manner that is consistent with the requirements and protections of the Constitution and applicable statutory authorities.

(U//LES-NF) Your letter notes the Department's adopted policy guidance that established common principles for the use of CSSs across the Department. Law enforcement agents can deploy CSSs to locate cellular devices whose unique electronic identifiers are already known to law enforcement, or determine the unique electronic identifiers of unknown devices by collecting certain limited signaling information from specific devices. You asked specifically about the potential for CSSs utilized by the Federal Bureau of Investigation (FBI) to affect or interfere with nearby cellular phones. The FBI developed protocols based on legal requirements to operate CSSs with minimum interference and limited to specific targets. *See* 18 U.S.C. § 3124. The CSSs are operated in constant motion at the lowest power level necessary to accomplish the mission, minimizing interference and avoiding compromise or detection. The FBI has advised that it does not test or measure interference levels of its CSSs and has no testing data or information available.

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Your letter also references a Royal Canadian Mounted Police report dated January 5, 2011. While the Department is not in a position to comment on the report's findings, nor on that agency's specific equipment models and configurations, 18 U.S.C. § 3124 requires operating CSSs "with a minimum of interference" to cell service. The FBI specifically configures its CSSs to avoid interference with 911 calls and employs affirmative measures to ensure legal compliance.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Stephen E. Boyd
Assistant Attorney General

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